Crl.Misc. No.36325-M of 2006

Harjinder Singh Vs. State of Punjab.

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Present:- Mr.Kanwaljit Singh Ahluwalia, Sr. Advocate
with Mr. JS Rattu, Advocate
for the petitioner.

Mr. IPS Sidhu, Sr.DAG Punjab.

Mr.Rajesh Dadwal, Advocate
for the complainant.

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Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in the present case. Vide order dated 15.6.2006 interim stay subject to petitioner's joining the investigation was granted. A reading of the order dated 24.7.2006 shows that a compromise had been effected between the parties. It was stated by counsel for the petitioner that the prosecutrix has since married some other person. However, this Court noticed that the compromise had been effected by the mother and not by the prosecutrix. The petitioner was asked to produce compromise if any with the prosecutrix. Thereafter on 10.10.2006 learned counsel for the petitioner submitted that the prosecutrix has since married and it is not possible to produce her in the Court. On 11.1.2007, the case was adjourned to 15.2.2007 as the case before the trial Court was fixed for 8.2.2007 for recording statement of the prosecutrix. In terms of the order dated 15.2.2007 this Court noticed that on 8.2.2007 both the witnesses were present. However, the case was adjourned for 12.4.2007 on the request of counsel for complainant. This Court requested the trial Court to pre-pone the date of hearing to somewhere in 2nd week of March 2007 for recording statement of the prosecutrix and her mother. Vide order dated 19.3.2007 this Court requested the trial Court to complete the trial on

12.4.2007 which was the date fixed before the trial Court.

Learned counsel for the State has submitted that the prosecution has examined all the witnesses and the prosecution evidence has been closed. Learned counsel for the petitioner has submitted that the statement of accused in terms of Section 313 Cr.P.C. has also been recorded and the case is now fixed for defence evidence on 22.5.2007.

Learned counsel for the complainant has submitted that the case be adjourned or in the alternative the order may be confirmed with the direction to the trial Court to dispose of the case expeditiously.

I have given my thoughtful consideration to the matter. The prosecution evidence has been closed. The case is now fixed for defence evidence. Learned Senior counsel for the petitioner has submitted that the defence is to examine about three witnesses and he will make every endeavour to ensure that all the witnesses are present on the date fixed i.e. 22.5.2007. The learned trial Court to take steps to ensure that if witnesses of the defence are present their statements are recorded.

In the circumstances, no ground is made out for keeping the matter pending any further. The trial in the case is almost over and the petitioner has been granted interim bail.

In the circumstances, the petitioner in the event of his arrest shall be admitted to bail on his furnishing personal bond and surety to the satisfaction of the Arresting/Investigating Officer. The same shall be subject to the provisions of Section 438 Cr.P.C. The bail shall continue till the disposal of the trial.

The criminal miscellaneous stands disposed of.

(S.S.SARON)
May 11,2007 **JUDGE**
Reema